

Cont.
29
sucrose, and water account for at least 95 percent by weight of the sugar wafer; the amount of water in the sugar wafer is from about 0.5% to 6% by weight based on the weight of the sugar wafer; the sucrose is present in an amount of from 50 to 100 parts by weight per 100 parts by weight of the wheat flour and cereal grits; and the ratio of wheat flour to cereal grits to is from 10:90 to 80:20; and whereby the sugar wafer is sufficiently flexible under ambient conditions for more than 40 seconds to about 100 seconds after baking to enable further processing of the wafer.

13. (Three Times Amended) A baked sugar wafer comprising fat, wheat flour, sucrose, a reducing sugar, and water, wherein the combination of fat, wheat flour, sucrose, a reducing sugar, and water account for at least 95 percent by weight of the sugar wafer; the amount of water in the sugar wafer is from about 0.5% to 6% by weight based on the weight of the sugar wafer; the sucrose and reducing sugar are present in an amount of from 50 to 100 parts by weight per 100 parts by weight of the wheat flour; and the ratio of sucrose to reducing sugar is from 80:20 to 20:80; and whereby the sugar wafer is sufficiently flexible under ambient conditions for more than 40 seconds to about 100 seconds after baking to enable further processing of the wafer.

REMARKS

Claims 1-20, as amended, appear in this application for the Examiner's review and consideration. A marked up version of the amended claims is attached as Appendix A. A clean set of the pending claims is attached as Appendix B. Independent claims 1, 9, and 13 have been amended to recite that the wafer remains sufficiently flexible under ambient conditions for more than 40 seconds to about 100 seconds after baking (*See, e.g.,* Specification at page 6, lines 33-35, which states that flexibility existed for over 100 seconds). Claim 13 has also been amended to recite that the sucrose to reducing sugar ratio is from 80:20 to 20:80 (*See, e.g.,* Specification at page 4, lines 6-10). No new matter has been added by way of these amendments, such that entry of the amended claims at this time is warranted.

Claims 1-20 were rejected under 35 U.S.C. § 112, first and second paragraphs, as not being enabled and as being indefinite for permitting the wafer to be flexible under ambient conditions for all times greater than 40 and 50 seconds after baking. On the contrary, Applicants have clearly not claimed "all times" or "infinite times" greater than 40